

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELEANYA UKEH ELEANYA,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

CRIMINAL ACTION NO.
1:11-CR-0282-3-CAP

CIVIL ACTION NO.
1:13-CV-0804-CAP

ORDER

This action is before the court on the magistrate judge's report and recommendation ("R&R") [Doc. No. 64] and the movant's objections thereto [Doc. No. 66].

The R&R recommends denial of the movant's § 2255 motion to vacate on the basis that the movant's guilty plea and the appeal waiver contained in the plea agreement were valid. In his objections, the movant argues that all statements he made in court about his understanding and agreement to the plea were coerced by defense counsel. As an objection, this is insufficient to be addressed by this court. *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988) ("Parties filing objections to a magistrate's report and recommendation

must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.”)

Moreover, as explained in the R&R, the defendant, while under oath, specifically stated his willingness to enter into the plea agreement, including the appeal waiver. His objections represent nothing more than an effort to completely change his sworn statements in order to obtain a more favorable result. The court finds that the movant understood and voluntarily entered into the plea agreement including the appeal waiver.

Because the court agrees with the reasoning and conclusions of the magistrate judge the R&R is ADOPTED as the order and opinion of this court.

SO ORDERED, this 4th day of June, 2013.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL JR.
United States District Judge